UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,008	10/11/2005	Yuka Matsushita	2005_1584A	1283

52349   7590   01/08/2009
WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER
DAGLAWI, AMAR A

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
01/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 September 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 and 7-15_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1 and 7-15_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _11 October 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been

withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/25/2008 has

been entered.

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 7-15 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating
>   obviousness or nonobviousness.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 1, 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hasegawa (US 2004/0072592 A1) in view of Yamagata et al (US 2003/0174839 A1).

1.   With respect to claim 1, Hasegawa teaches A wireless communication terminal

capable of performing a contact less communication and at least one wireless

communication comprising:

        a first wireless communications section operable to perform a wireless

communication via a communications network (Fig.2, Fig.3, par [0025]);

        a second wireless communications section operable to perform a contactless

communication with a predetermined reader/writer based on a command (Fig.3, #15,

#2, par [0034;0048]). [authentication information is the command]

        a wireless communications control section (Fig.3, #14) operable to analyze in

response to an initiation of a contact less communication performed by said second

wireless communications section a command received by said second wireless

communications section, deactivate said first wireless communication when the

command received is requesting access to a tamper resistant memory (TRM) area or a

secure flash memory in a memory management area (memory, 17) and temporarily

deactivate said first wireless communication section when the command received is

requesting access to a general area in the memory management area (Figs.2-5, Figs7-

8, par [0034;0048]) [A typical portable device contains a secure non-volatile memory

card. A typical state of a mobile is stored in a memory management area which is

accessed as taught in Fig.5] [When the user puts the mobile containing the contactless

card over a reader/writer a set state of the mobile is changed and a manner mode of the

mobile is changed and becomes a no-tone mode. Thus, deactivating the first wireless

section. When the control unit of the mobile receives on/off mode from the contactless

card, it performs the on/off switch of the restricted place mode in which a plurality of

settings is changed and the set state of the mobile is stored in the memory (which is

secure flash memory inherent in a typical mobile. Also, it is released from the restricted

mode when it receives an off mode information from the reader/writer via a contactless

card. Thus a temporary deactivation of the first wireless communication section since

the mobile is set in a manner mode according to the information from the reader/writer]

However, Hasegawa fails to teach a secure flash memory having a higher

security level and a general area having lower security level in the memory

management area which is taught in the same field of endeavor by Yamagata (Fig.4,

par [0112-0121]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Hasegawa the memory to incorporate the memory regions and controller of Yamagata so as to control the internal operation of the IC chip.

2.   With respect to claim 7, Hasegawa further teaches a timer section operable to detect an elapse of a predetermined amount of time since an initiation of a contactless communication wherein said wireless communications control section removes a restriction on a wireless communication via a communications network performed by said first wireless communication section based on the detection of An elapse of the predetermined time by said timer section (par [0034-0041]) [the control unit inherently contains a timer which controls an on/off mode].

3.   With respect to claim 8, Hasegawa further teaches wherein the said wireless communication control section starts restricting a wireless communication via a communications network performed by said first wireless communication section on an instruction for a user (par [0034;0041]).

4.   With respect to claim 9, Hasegawa further teaches said wireless communication control section deactivates or temporarily deactivates a wireless communication via the communications network performed by said first wireless communication section based on an instruction from a user (Fig.3, par [0034;0041], Fig.1)

5.   With respect to claim 10, Hasegawa further teaches a second wireless communication control section operable to restrict a contactless communication

performed by said second wireless communication section based on an instruction from the user (Fig.3, par [0034;0041], Fig.1).

6.   With respect to claim 11, Hasegawa further teaches the wireless communications control section also restricts a contactless communication performed by said second wireless communications section in such a manner that either one of the contactless communication and the wireless communication via the communication network is restricted at a time based on an instruction from the user (Fig.3, par [0034; 0041], Fig.1).

7.   With respect to claim 12, Hasegawa further teaches a timer section operable to detect an elapse of a predetermined amount of time since an initiation of a contactless communication wherein said wireless communications control section removes a restriction on a wireless communication via a communications network performed by said first wireless communication section based on the detection of An elapse of the predetermined time by said timer section (par [0034-0041]) [the control unit inherently contains a timer which controls an on/off mode].

With respect to claim 13, Hasegawa teaches A communications protocol switching method used by a wireless communications terminal comprising a first wireless communications section for performing at least one wireless communication via a communications network and a second wireless communications section for performing a contactless communication with a predetermined reader/writer based on a command, the method:

8.   Determining an initiation of contactless communication performed by the second

wireless communications section; (Fig.3, #15, #2, par [0034; 0041]).[authentication

information is the command] (Fig.2, Fig.3, par [0025]);

9.   Analyzing, in response to the contactless communication, a command received

by the second wireless communications section; and (Fig.3, #15, #2, par [0034; 0048]).

[authentication information is the command] (Fig.2, Fig.3, par [0025]);

10.   Deactivating the first wireless communications section when the received

command is requesting access to a tamper resistant memory (TRM) area or a secure

flash memory in a memory management area, and temporarily deactivating the first

wireless communications section when the received command is requesting access to a

general area in the memory management area (Figs.2-5, Figs7-8, par [0034; 0048]) [A

typical portable device contains a secure non-volatile memory card. A typical state of a

mobile is stored in a memory management area which is accessed as taught in Fig.5]

[When the user puts the mobile containing the contactless card over a reader/writer a

set state of the mobile is changed and a manner mode of the mobile is changed and

becomes a no-tone mode. Thus, deactivating the first wireless section. When the

control unit of the mobile receives on/off mode from the contactless card, it performs the

on/off switch of the restricted place mode in which a plurality of settings is changed and

the set state of the mobile is stored in the memory (which is secure flash memory

inherent in a typical mobile. Also, it is released from the restricted mode when it

receives an off mode information from the reader/writer via a contactless card. Thus a

temporary deactivation of the first wireless communication section since the mobile is set in a manner mode according to the information from the reader/writer].

However, Hasegawa fails to teach a secure flash memory having a higher security level and a general area having lower security level in the memory management area which is taught in the same field of endeavor by Yamagata (Fig.4, par [0112-0121]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Hasegawa the memory to incorporate the memory regions and controller of Yamagata so as to control the internal operation of the IC chip.

11.   With respect to claim 14, Hasegawa teaches A communications protocol switching program stored on a computer-readable medium that is executed by a wireless communications terminal-including a first wireless communications section for performing at least one wireless communication via a communications network other and a second wireless communications section for performing a contactless communications communication with a predetermined reader/writer based on a command, the program causing the wireless communications terminal to perform the steps of:

12.   Determining initiation of a contactless communication performed by the second wireless communications section; and (Fig.3, #15, #2, par [0034; 0048]).[authentication information is the command] (Fig.2, Fig.3, par [0025]);

13.   Analyzing, in response to the contactless communication, a command received

by the second wireless communications section; and (Fig.3, #15, #2, par [0034; 0048]).

[authentication information is the command] (Fig.2, Fig.3, par [0025]);

14.   Deactivating the first wireless communications section when the received

command is requesting access to a tamper resistant memory (TRM) area or to a secure

flash memory in a memory management area, and temporarily deactivating the first

wireless communications section when the received command is requesting access to a

general area in the memory management area. (Figs.2-5, Figs7-8, par [0034; 0048]) [A

typical portable device contains a secure non-volatile memory card. A typical state of a

mobile is stored in a memory management area which is accessed as taught in Fig.5].

[When the user puts the mobile containing the contactless card over a reader/writer a

set state of the mobile is changed and a manner mode of the mobile is changed and

becomes a no-tone mode. Thus, deactivating the first wireless section. When the

control unit of the mobile receives on/off mode from the contactless card, it performs the

on/off switch of the restricted place mode in which a plurality of settings is changed and

the set state of the mobile is stored in the memory (which is secure flash memory

inherent in a typical mobile. Also, it is released from the restricted mode when it

receives an off mode information from the reader/writer via a contactless card. Thus a

temporary deactivation of the first wireless communication section since the mobile is

set in a manner mode according to the information from the reader/writer].

        However, Hasegawa fails to teach a secure flash memory having a higher

security level and a general area having lower security level in the memory

management area which is taught in the same field of endeavor by Yamagata (Fig.4,

par [0112-0121]).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the teachings of Hasegawa the memory to incorporate

the memory regions and controller of Yamagata so as to control the internal operation of

the IC chip.

15.   With respect to claim 15, Hasegawa teaches An integrated circuit used in a

wireless communications terminal capable of performing a contactless communication

and at least one wireless- communication, the wireless communications terminal

including a first wireless communications section for performing a wireless

communication via a communications network other than and a

second wireless communications section for performing a contactless

communications communication with a predetermined reader/writer based on a

command;-and, the integrated circuit comprising: a circuit functioning as a wireless

communications control section operable to (i) analyze, in response to an initiation of a

contactless communication performed by the second wireless communications section,

a command received by the second wireless communications section. (ii) deactivate the

first wireless communications section when the received command is requesting access

to a tamper resistant memory (TRM) area or a secure flash memory in a memory

management area. and (iii) temporarily deactivate the first wireless communications

section when the received command is requesting access to a general area in the

memory management area (Figs.2-5, Figs7-8, par [0034; 0048]) [A typical portable

device contains a secure non-volatile memory card. A typical state of a mobile is stored

in a memory management area which is accessed as taught in Fig.5]. (Fig.3, #15, #2,

par [0034; 0048]). [authentication information is the command] (Fig.2, Fig.3, par [0025]);

[When the user puts the mobile containing the contactless card over a reader/writer a

set state of the mobile is changed and a manner mode of the mobile is changed and

becomes a no-tone mode. Thus, deactivating the first wireless section. When the

control unit of the mobile receives on/off mode from the contactless card, it performs the

on/off switch of the restricted place mode in which a plurality of settings is changed and

the set state of the mobile is stored in the memory (which is secure flash memory

inherent in a typical mobile. Also, it is released from the restricted mode when it

receives an off mode information from the reader/writer via a contactless card. Thus a

temporary deactivation of the first wireless communication section since the mobile is

set in a manner mode according to the information from the reader/writer].

However, Hasegawa fails to teach a secure flash memory having a higher

security level and a general area having lower security level in the memory

management area which is taught in the same field of endeavor by Yamagata (Fig.4,

par [0112-0121]).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the teachings of Hasegawa the memory to incorporate

the memory regions and controller of Yamagata so as to control the internal operation of

the IC chip.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMAR DAGLAWI whose telephone number is (571)270-1221. The examiner can normally be reached on Monday- Friday (7:30 AM- 5:00 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGUYEN DUC can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amar Daglawi
Examiner
Art Unit 2618

/Amar Daglawi/
Examiner, Art Unit 2618

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2618